

## ATTACHMENT

GROUND ONE: Ineffective Assistance of Counsel - Failure to Challenge  
Drug Weight Attributed to Defendant's Conduct/ Role  
in Conspiracy

My attorney, Ms. Phillips, failed to challenge my conduct, role, and participation in the aforesaid conspiracy, or at least the Drug Weight attributed to my own personal conduct. The records will show I was incarcerated in Bristol, VA.

Jail on 1-23-17 and then housed in Southwest VA. Regional Jail until

3-7-2017. When released on Pre-Trial for the possession charge in Bristol,

VA. In ~~October~~ <sup>June</sup> (6-17-2017) I was arrested again for possession with

intent to distribute 17 grams and remained incarcerated at the

Southwest VA. Regional Jail until 2-15-18 when the state gave me a

bond and then I was released.

On May 9<sup>th</sup> 2018 - I was arrested on a Probation Violation and placed

back in custody. I was sentenced to Virginia State Prison to serve my

time on the Probation Violation. Then I was picked up by the U.S.

Marshalls upon release from Brunswick Women's Prison in Capron, VA.

I have remained incarcerated since.

As records show — I was incarcerated the majority of this

Federal Investigation. I feel that my participation and Drug

page 2

Weight should have been negotiated because of me being incarcerated most of the time. I was NOT involved with the 500 grams or more attributed to my co-defendants. The result of my own conduct would show a lesser amount.

When I asked Ms. Phillips, my attorney, about this — she dismissed it and said the U.S. Attorney wouldn't go for it. How am I charged with a drug amount that did NOT result from my own conduct?

(See *Hart v. Gomez*, 174 F.3d 1067, 1070 9<sup>th</sup> Circuit 1999) Where lawyer fails to introduce evidence, whereas my attorney failed also to introduce the actual drug amount attributed to my own conduct.

## ATTACHMENT

GROUND TWO: Ineffective Assistance of Counsel; Failure to Request Minor Role Reduction

During the duration of the Federal Investigation in regards to my case:

I was incarcerated numerous times leaving my involvement, conduct, and role in the aforesaid conspiracy to a very low minimum exposure. I

was in jail from 1-23-2017 thru 3-7-2017; then again from ~~1-17~~-17-2017

thru 2-15-2018; then again from 5-9-2018 thru 5-13-2018; and

once more from 11-5-2018 thru 5-13-2019. I was in Virginia State

Prison when Federally Indicted, on said charge, all of 5½ months from

1-23-17 until current.

As records show I was incarcerated the majority of this Federal

Investigation — I feel my participation is of a bare minimum in

this conspiracy, hence a request for a minor role reduction. I'm also

the #20 defendant on the Indictment of 28 people, indicating where

I stand from the Lead Defendant.

HAF39	540*23	*	SENTENCE MONITORING	*	01-22-2020
PAGE 001		*	COMPUTATION DATA	*	07:28:09
			AS OF 01-22-2020		

REGNO...: 92765-083 NAME: EATON, ELIZABETH PAULINE

FBI NO.....: 908219AC1	DATE OF BIRTH: 09-17-1981	AGE: 38
ARS1.....: HAF/A-DES		
UNIT.....: K	QUARTERS.....: K13-116L	
DETAINEES.....: NO	NOTIFICATIONS: NO	

HOME DETENTION ELIGIBILITY DATE: 09-23-2029

THE FOLLOWING SENTENCE DATA IS FOR THE INMATE'S CURRENT COMMITMENT.  
THE INMATE IS PROJECTED FOR RELEASE: 03-23-2030 VIA GCT REL

-----CURRENT JUDGMENT/WARRANT NO: 010 -----

COURT OF JURISDICTION.....: VIRGINIA, WESTERN DISTRICT  
DOCKET NUMBER.....: DVAW118CR000025-020  
JUDGE.....: JONES  
DATE SENTENCED/PROBATION IMPOSED: 05-14-2019  
DATE COMMITTED.....: 07-16-2019  
HOW COMMITTED.....: US DISTRICT COURT COMMITMENT  
PROBATION IMPOSED.....: NO

	FELONY ASSESS	MISDMNR ASSESS	FINES	COSTS
NON-COMMITTED..:	\$100.00	\$00.00	\$00.00	\$00.00

RESTITUTION...: PROPERTY: NO SERVICES: NO AMOUNT: \$00.00

-----CURRENT OBLIGATION NO: 010 -----

OFFENSE CODE....: 391 21:846 SEC 841-851 ATTEMPT  
OFF/CHG: 21:846 & 841(B) (1) (A) CONSPIRACY TO DISTRIBUTE 500 GRAMS OR  
MORE OF METHAMPHETAMINE.

SENTENCE PROCEDURE.....: 3559 PLRA SENTENCE  
SENTENCE IMPOSED/TIME TO SERVE..: 168 MONTHS  
TERM OF SUPERVISION.....: 5 YEARS  
DATE OF OFFENSE.....: 10-23-2018

G0002 MORE PAGES TO FOLLOW . . .

HAF39 540\*23 \*  
PAGE 002 OF 002 \*

SENTENCE MONITORING  
COMPUTATION DATA  
AS OF 01-22-2020

\* 01-22-2020  
\* 07:28:09

REGNO...: 92765-083 NAME: EATON, ELIZABETH PAULINE

-----CURRENT COMPUTATION NO: 010 -----

COMPUTATION 010 WAS LAST UPDATED ON 07-18-2019 AT DSC AUTOMATICALLY  
COMPUTATION CERTIFIED ON 08-02-2019 BY DESIG/SENTENCE COMPUTATION CTR

THE FOLLOWING JUDGMENTS, WARRANTS AND OBLIGATIONS ARE INCLUDED IN  
CURRENT COMPUTATION 010: 010 010

DATE COMPUTATION BEGAN.....: 05-14-2019  
TOTAL TERM IN EFFECT.....: 168 MONTHS  
TOTAL TERM IN EFFECT CONVERTED...: 14 YEARS  
EARLIEST DATE OF OFFENSE.....: 10-23-2018

JAIL CREDIT.....	FROM DATE	THRU DATE
	01-23-2017	03-07-2017
	09-17-2017	02-15-2018
	05-09-2018	05-13-2018
	11-05-2018	05-13-2019

TOTAL PRIOR CREDIT TIME.....: 391  
TOTAL INOPERATIVE TIME.....: 0  
TOTAL GCT EARNED AND PROJECTED...: 756  
TOTAL GCT EARNED.....: 54  
STATUTORY RELEASE DATE PROJECTED: 03-23-2030  
EXPIRATION FULL TERM DATE.....: 04-17-2032  
TIME SERVED.....: 1 YEARS 9 MONTHS 3 DAYS  
PERCENTAGE OF FULL TERM SERVED...: 12.6

PROJECTED SATISFACTION DATE.....: 03-23-2030  
PROJECTED SATISFACTION METHOD....: GCT REL

REMARKS.....: JUDGE ORDERED JAIL CREDIT SEE PSR #339;

G0000 TRANSACTION SUCCESSFULLY COMPLETED